NO. 22179

IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JESSE LOUIS JONES,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

MAY 10

APPELLEE'S BRIEF

APPEAL FROM
THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

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MOBLEY M. MILAM
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FILED

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APPELLEE'S BRIEF

I.

JURISDICTIONAL STATEMENT

This is an appeal from the judgment of the United States District Court for the Southern District of California adjudging appellant to be guilty as charged in Counts One and Two of a three-count indictment following trial by jury.

The offenses occurred in the Southern District of California. The District had jurisdiction by virtue of Title 18, United States Code, Section 3231, and Title 21, United States Code, Sections 174 and 176(a). Jurisdiction of this Court rests pursuant to Title 28, United States Code, Sections 1291 and 1294.

II.

STATEMENT OF THE CASE

Appellant was charged in all three counts of a Three-Count indictment. The first count alleged that appellant and a co-defendant, Joseph Raymond Scott, knowingly imported and brought approximately three ounces of heroin into the United States from Mexico.

The second count alleged that appellant and said co-defendant, with intent to defraud the United States, knowingly concealed, and facilitated the transportation and concealment of approximately two pounds of marihuana, knowing it had been imported and brought into the United States contrary to law.

The third count alleged that appellant and said co-defendant, with intent to defraud the United States, knowingly and wilfully smuggled and clandestinely introduced into the United States from Mexico approximately forty-six dexedrine tablets.

A severance of the defendant's trials was granted and jury trial of the appellant commenced on March 23, 1967, before United States District Judge William P. Copple [R.T. 1-3].[1/] Appellant was found guilty by the jury as charged in Counts One and Two on March 27, 1967, and not guilty

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[1/] "R.T." refers to the Reporter's Transcript of Proceedings.

as to Count Three. Thereafter, on April 24, 1967, appellant was committed to the custody of the Attorney General for concurrent five year sentences on each count.

III.

ERROR SPECIFIED

Appellant specified the following points upon appeal:

"1. The arrest of the appellant was an illegal arrest and in violation of appellant's constitutional rights.

"2. The search of appellant was in violation of appellant's constitutional rights in that the search was the result of an unlawful and illegal arrest.

"3. The court erred in refusing to allow appellant to show that the person indicted with him had admitted to the United States Commissioner that he was the sole possessor of the drugs in question.

"4. There was a material variance between Counts I and II of the indictment and the proof.

"5. In any event, the provisions of Title 21 U. S. C., Sections 174 and 176-a which deem possession sufficient for conviction unless the defendant explains the same to the satisfaction of the jury are unconstitutional."

(Appellant's Opening Brief, p. 10).

IV.

STATEMENT OF THE FACTS

On December 30, 1966, appellant drove a black Buick, accompanied by another gentleman seated beside him, into the United States from Mexico [R.T. 11]. Both appellant and the passenger stated to the primary Immigrant Inspector, Samuel T. May, that they were United States citizens and that they were bringing nothing from Mexico [R.T. 12]. Appellant was asked to open the trunk, and as he got out and did so, he appeared to be under the influence of alcohol or something [R.T. 12]. Numerous clothing and things were in the car so Mr. May referred appellant to the secondary inspection area for further inspection [R.T. 12]. The name of the passenger was Scott [R.T. 13]. When appellant went to the trunk, Mr. May detected the odor of alcohol, but did not check the passenger [R.T. 14]. Mr. May thought appellant had a jacket or coat on, but couldn't say for certain [R.T. 14]. Scott remained in the car [R.T. 14]. The car was not referred to the secondary inspection area because of a so-called lookout [R.T. 14].

Warren D. Russell, a Customs Inspector, met the appellant and passenger Scott at the secondary inspection area [R.T. 25-27]. Mr. Scott was searched and one brick of marihuana, 46 Dexamil tablets, and one rubber contraceptive of heroin were found on him [R.T. 27], the marihuana in the back of Scott's shirt[R.T. 28], the tablets in the right hand pocket of his topcoat [R.T. 29], and the heroin in his left front pants pocket [R.T. 38]. Appellant was searched, and he pulled two rubber

contraceptives of heroin from his jockey shorts [R.T. 29]. The appellant and Scott were searched individually and separately [R.T. 30], but the marihuana and pills were found on Scott during the preliminary search in the secondary office while appellant was present [R.T. 34-35]. Appellant stipulated as to the chain of custody of the contraband [R.T. 31-32]. Zigzag cigarette papers were found in a metal suitcase in the trunk of the vehicle [R.T. 36]. They are used to smoke marihuana [R.T. 37]. While Scott was searched, appellant was seated in the secondary office; Customs Inspector Young was with him at that time [R.T. 37-38]. While seated in the secondary office, appellant seemed quite nervous and upset and edgy; he squirmed in his chair quite a bit, moved his hands and aroused the suspicion of Mr. Young when he (the appellant) seemed to move his right hand around under his coat or sweater. Mr. Young moved aside the coat or sweater and appellant's zipper fly was open in his trousers. During this period appellant asked to get a drink of water or go to the rest-room [R.T. 41].

Appellant did some pacing , moving back and forth on both sides of the counter in the secondary office when he came in and before he was asked to be seated [R.T. 43-44]. Appellant's actions were such that Mr. Young felt it necessary to call another officer, and he felt the appellant had something concealed on his person [R.T. 45].

When the marihuana was found on Scott, something was said about a hitchhiker, and Mr. Young's recollection was that it was said by Mr.

Scott. It could have been, "That is what you get for picking up hitchhikers." [R.T. 44-46].

Mr. Scott later asked Customs Agent Burnett for the metal suitcase which contained the Zigzag cigarette papers [R.T. 50].

Appellant stipulated that the contraband was in fact marihuana, heroin, and dexedrine.

The amount of $300.00 was found on appellant and $455.00 on Mr. Scott [R.T. 53]. The contraband was admitted into evidence and the government rested [R.T. 54].

At this point trial counsel for the appellant made an offer of proof, i.e., to call Mr. Harris, the United States Commissioner, to testify that when appellant and Scott were arraigned before him, Scott made a statement to the Commissioner that the narcotics found on appellant were Scott's and he (Scott) had secreted them in appellant's coat [R.T. 56-59]. And later, when resting, appellant preserved the offer [R.T. 79] and reiterated it the following morning [R.T. 85-87]. The court denied the offer [R.T. 58, 87].

It should be noted here that long before the above offer of proof was made and during government's case in chief, appellant attempted to force the government to call Mr. Scott as a government witness in its case in chief and objected to the government sandbagging Scott for rebuttal [R.T. 18-21]. The co-defendant Scott was available to be called as a witness [R.T. 86].

Appellant testified on his own behalf and stated that he lived in Los Angeles at the time of his arrest, December 30, 1966 [R.T. 60], that he had gone to Tijuana on December 29, had a few drinks, there was a power failure, he decided to leave Tijuana, and as he headed for his car he ran into Mr. Scott, the co-defendant, who asked appellant for a lift [R.T. 61], He dropped Mr. Scott at the bus station in San Diego and appellant stayed at the U. S. Grant Hotel in San Diego that night; as appellant was leaving his hotel the next day, he ran into Scott on the street and gave him a lift to Tijuana [R.T. 62]. Appellant had gone to Tijuana to drink and sightsee as he was depressed and this was his last chance to let off a little steam before heading back East where his family was. His mother had sent him $350.00 [R.T. 63-64]. Appellant and Scott separated in Tijuana and met again that evening for a few drinks [R.T. 64], and then proceeded to come back across the border [R.T. 66]. The car belonged to appellant's uncle [R.T. 65].

Appellant had his raincoat thrown over the back of the seat [R.T. 66] and left it laying there in the car[R.T. 67]. The suitcase in the trunk was Mr. Scott's [R.T. 67]. Scott was searched; they found a package in Scott's back, placed Scott under arrest, and frisked the appellant [R.T. 68]. Appellant was told to sit down and noticed his coat on the counter; he was scared and went to his coat for cigarettes and came up with something he knew wasn't supposed to be there [R.T. 69]. This was the contraceptives later taken from him, and he tried to conceal them down his pants leg,

unzipping his fly and hiding his hands with the coat [R.T. 70]. Prior to picking up the coat he had no knowledge there was heroin there, and did not know Scott had heroin, marihuana, or pills [R.T. 70].

On cross-examination appellant admitted he had been to Canada but stated he lived in Los Angeles and had been in California since 1962, had not known Mr. Scott in Canada and met him in Tijuana [R.T. 71-73]. Later he stated he might have been in Canada in 1965 [R.T. 76-77]. Appellant had borrowed the car from his uncle but had not told him he was going to Tijuana [R.T. 73]. He didn't turn the contraband over to the officers and just wanted to get it away from him [R.T. 75]. He didn't remember bringing in his coat and didn't believe he paced back and forth before he got his coat [R.T. 76]. He did not know Mr. Scott in Los Angeles and had never met him before he met him in Tijuana that night [R.T. 77]. Mr. Scott didn't know appellant stayed at the U. S. Grant Hotel [R.T. 77].

On rebuttal, Mr. Russell testified that he did not bring in the appellant's coat and he was the only officer who searched the car; that appellant wore jockey type shorts and he saw the appellant pull out the two contraceptives; that the appellant seemed a little nervous upon first entering the office while both defendants were still standing; and that he found a temporary driver's license in the car in the name of J. L. Jones issued on the date of 12-29-66 [R.T. 88-90].

Mr. Young testified on rebuttal that Mr. Scott did not bring in

appellant's coat, that Scott took the coat Scott was wearing into the search room, that appellant became nervous when contraband was discovered on Scott and before he went to the coat for cigarettes [R.T. 91-93].

T. Z. Marshall testified that appellant was his wife's nephew, that appellant was in his home on December 29, 1966, and had a white man with him (the appellant) and he believed Mr. Scott was that man [R.T. 96-97].

George Winterfield testified that he was an Oregon State Policeman; that on December 28, 1966, he stopped a driver, Joseph Raymond Scott, driving a two-tone blue 1959 Chevrolet sedan with British Columbia plates which have a white background with blue letters; and that Scott was accompanied by a Negro male [R.T. 110-111]; that the car was going south and co-defendant Scott was the same man he stopped [R.T. 111-112]. He could not identify the appellant as the passenger [R.T. 113].

T. Z. Marshall then testified that when his nephew (the appellant) and the white man came to his house on December 29 they were in a Chevrolet with white plates [R.T. 114-115].

Several deputy Marshals and appellant were called to testify by appellant in an effort to show Mr. Marshall's identification of Mr. Scott could have been erroneous, and appellant testified the white man with him on December 29 was a Mr. Stevens whom he could not locate. He admitted having a brother in Vancouver.

V.

ARGUMENT

A. THE ARREST OF THE APPELLANT WAS LEGAL AND DID NOT VIOLATE APPELLANT'S CONSTITUTIONAL RIGHTS.

Appellant's first argument is based on the erroneous theory that appellant was arrested before the contraband was found in his possession, i.e., that detention at the border for a customs search on entry into the United States constitutes an arrest.

The record in this case indicates that the appellant drove an automobile into the United States from Mexico, and while he and his passenger stated they were bringing nothing from Mexico, nevertheless appellant appeared to be "under the influence of alcohol or something" and when he opened the trunk "numerous clothing and things were in the car."

It is evidently appellant's contention, "that the arrest in this case took place when the officers ordered the defendant to the secondary place of search and out of the car" [Appellant's Brief, p. 15]. This contention is based on those cases cited by appellant which state that an arrest occurs when officers "restrict (ones) liberty of movement." However, it is interesting to note that appellant's liberty of movement had already been restricted by his being forced to stop at the primary inspection point and to thereupon open his trunk. If referring one to the secondary inspection area constitutes an arrest, why not also the stopping of the car and the searching of the trunk at the primary inspection area. Certainly appellant's "liberty of

movement" was "restricted" at primary.

Just stating this proposition, however, tends to show the ridiculousness of appellant's basis for his argument. And there are countless cases, even beyond and without border situations, which have either unequivocably sanctioned the practice of detaining without an arrest occurring or have referred to it approvingly in dictum. To cite just those in the Ninth Circuit:

Gilbert v. United States, 366 F.2d 923, 928 (1966);

Wilson v. Porter, 361 F.2d 412 (1966);

Davis v. State of California, 341 F.2d 982 (1965);

Busby v. United States, 296 F.2d 328 (1961).

And analogous to border checks of course are the cases holding that a detention for a traffic check is not an arrest:

Myricks v. United States, 370 F.2d 901 (5th Cir. 1965);

Lipton v. United States, 348 F.2d 591 (9th Cir. 1965);

D'Argento v. United States, 353 F.2d 327, 333-334 (9th Cir. 1965).

Perhaps the longest line of State cases adopting the non-arrest position is found in the California authorities, where precedent for a right to detain for investigation can be traced back more than half a century. One of the earliest decisions in that jurisdiction to so hold is Gisske v. Sanders, 9 Cal. App. 13, 98 Pac. 43 (1908), involving a civil action for false imprisonment. Reversing a lower court judgment for the plaintiff, the California Court of Appeals ruled that a peace officer had the right to

stop and question a person and, if he refused to identify himself, to take him to the police station for further investigation. The Court held, in addition, that a search of the suspect's person which had occurred on the way to the station was a reasonable safety precaution which the officers might undertake regardless of whether or not the party was under arrest. Since the Gisske decision, a substantial body of opinion has developed in California recognizing the right of the police to stop and question when "such a course of action is necessary to the proper discharging of the officer's duties."

People v. Machel, 44 Cal. Rptr. 126, 131 (1965).

I have cited the above cases not because these seem particularly applicable to the case at hand but to rebut the generalities of appellant's argument.

To be more precise in the case at hand, we have to go to the United States Code Sections which authorize Customs detentions and searches in the first place. These sections are Title 19, United States Code, Sections 482 and 1582. Section 482 reads as follows in pertinent part:

> "Any of the officers . . . . may stop, search, and examine . . . . any vehicle, beast, or person, on which or whom he or they shall suspect there is merchandise which is subject to duty, or shall have been introduced into the United States contrary to law." (19 U.S.C. 482, emphasis added).

ection 1582 empowers the Secretary of the Treasury to promulgate regulaions affecting searches of persons and baggage and the following regulation as been promulgated:

> "(d) A Customs officer may stop any vehicle arriving in the United States from a foreign country for the purpose of examining the manifest or inspecting or searching the vehicle and may stop, search, and examine any vehicle or person within the limits of the United States on which or on whom he may have reasonable cause to believe there is merchandise subject to duty or which has been introduced into the United States contrary to law." (19 C.F.R.,Sec. 23.1).

The constitutionality of Customs searches under these provisons have been sustained. Murgia v. United States, 285 F.2d 14 (9th Cir. 960). The Court there held that there is no requirement of probable cause efore Customs agents can initiate a stopping and search.

Furthermore, there are several cases which specifically support e contention that a Customs detention is not an arrest:

United States v. Jones, 184 F. Supp. 329 (D.C. Calif. 1960);

United States v. Davis, 259 F.Supp. 496 (D.C. Mass. 1966);

People v. Mitchell, 26 Cal. Rptr. 89, 209 C.A.2nd 312 (1966), ert. denied 83 S.Ct. 1902, 374 U. S. 845.

In Jones, cited above, a disembarking soldier from Korea was taken

in a United States Customs vehicle to Military Police Headquarters approximately one-half mile away for the purpose of searching his baggage and person; the Court held that defendant's detention incidental to the Customs search did not constitute an arrest (p. 331). While it is true, as appellant argues in regard to other cases, that in Jones there was advance information or a so-called "lookout", such as not the case in either Davis or Mitchell. In fact, Mitchell was a straight "border bust" where the defendant was coming from Mexico and was detained and searched solely because he had an expensive wrist watch and a considerable amount of money. Here we have a similar case when the appellant was also coming from Mexico and was "under the influence of alcohol or something" and his car contained "numerous clothing and things."

The fact that appellant was under the influence of "something" would certainly have been sufficient reason to suspect contraband of a narcotic or drug nature, and the fact his car contained "numerous clothing and things" should certainly support a stopping and search for dutiable items.

Since appellant in his argument on this point cites two Supreme Court cases (Henry v. United States, 361 U.S. 98, and Rios v. United States, 364 U.S. 253), perhaps the government should discuss them briefly. Henry involved a theft from interstate commerce with no customs involvement as in the case here. Furthermore, in that case the Government conceded both in the lower courts and on appeal that an arrest took place when the defendant's car was stopped, arguing that the agents then had probable cause to

believe a Federal crime was being committed. Thus the situation here was not even argued, and in any event the Court specifically limited its decision, stating,

> "That is our view on the facts of this particular case. When the officers interrupted the two men and restricted their liberty of movement, the arrest, for purposes of this case, was complete." (p. 103, emphasis added).

Indeed, as one Federal judge put it, if Henry can be read as holding that any restriction of movement is an arrest, it propounds a rule that is "more honour'd in the breach than the observance." United States v. Thomas, 250 F.Supp. 771, 781 (1966).

In Rios v. United States, 364 U.S. 253 (1960), the other Supreme Court ruling cited by appellant, again no Customs detention was involved, the detention having stemmed from police officers patrolling of a neighborhood. It is also interesting to note that because of the confused factual situation, the Court avoided any decision on the detention and remanded the case to the District Court for a determination of just when the arrest occurred.

While the Supreme Court took no firm position on the Government's plea for explicit recognition of a right to make inquiry on suspicion, among the alternatives listed in the opinion for guidance of the Court below was the prosecution's contention "that the policemen approached the standing taxi only for the purpose of routine interrogation and that they had no intent to detain the petitioner beyond the momentary requirements of such a mission."

The fact that this argument was included as a possible justification for the officers' conduct seems to suggest that, under some circumstances, a stop for routine questioning may be permissible even though cause to arrest is absent. And certainly, in view of the statutes and regulations, Customs stops and searches would be included in such circumstances.

Thus it seems clear that appellant was not arrested until after the contraband was found on his person and consequently his arrest was valid and legal.

B. THE SEARCH OF APPELLANT WAS LEGAL AND DID NOT VIOLATE APPELLANT'S CONSTITUTIONAL RIGHTS.

The statutory, regulatory, and constitutional bases for the search has been set forth above. The record reveals a "border" search made because appellant appeared to be "under the influence of alcohol or something" and his car which he was driving into the United States from Mexico contained "numerous clothing and things." Certainly these facts indicate compliance with the quoted statutes and regulations and, if anything would tend to indicate a dereliction of duty if the officer had not had appellant and his car searched.

C. THE COURT PROPERLY SUSTAINED THE GOVERNMENT'S OBJECTION TO HEARSAY EVIDENCE OF STATEMENTS OF A CO-DEFENDANT EXCULPATING THE APPELLANT AND TAKING FULL BLAME HIMSELF.

Appellant cites no federal decision in his third specification of error but relies solely on the California case People v. Spriggs, 36 Cal. Rptr. 841.

The federal rule is clear: Declarations against penal interest as opposed to pecuniary or proprietary interest, are not admissible.

Donnelly v. United States, 228 U. S. 243, 272 (1913);

Neal v. United States, 22 F.2d 52 (4th Cir. 1927);

Jeffries v. United States, 215 F.2d 225, 226 (9th Cir. 1954).

In any event, for any declaration against interest to be admissible, the declarant must be unavailable since to hold otherwise would clearly violate the hearsay rule. The usual case requires the declarant to be dead though the Second Circuit has stated that "death, or at least inaccessibility" is the condition necessary.

Syracuse Engineering Co. v. Haight, 97 F.2d 573, 575 (2nd Cir. 1938).

Here the record shows that the declarant (the co-defendant Scott) was available and the government had no objection to the appellant calling

him as a witness [R.T. 86]. The record also shows that evidently the declarant was willing to testify and would not claim the fifth amendment [R.T. 20, 22-24, 86-87], but be that as it may, there is absolutely nothing in the record to show that appellant even attempted to call the declarant, who was available, as a witness. Certainly appellant should not now be allowed to complain that he couldn't get in hearsay testimony when the live witness himself was available. It is also interesting to note that appellant tried to force the government to call that witness [R.T. 19-21, 22-24]. In effect the government and appellant were playing games as to who should call the witness, the government not wishing to do so because he could be impeached and the appellant not wishing to do so because the witness would testify against him.

D. THERE WAS NO MATERIAL VARIANCE BETWEEN COUNTS I and II OF THE INDICTMENT AND THE PROOF.

Appellant claims that Count I of the indictment charged appellant with violation of Title 21, United States Code, Section 173, while the proof and instructions were as to the elements and presumption contained in Section 174. A mere reading of the indictment refutes this claim. While it is true that Section 174 does not appear in the body of the charge and 173 does,nevertheless, Section 174 is specifically set forth not only in the title to the indictment but also in the title to Count I. This Court has held in Charles Emanuel White and John Lewis v. United States of

of America (9th Cir. No. 20,566, April 9, 1968) that such a method of charge constitutes no conflict (see footnote 1 at page 8 of that opinion).

In any event, with "U.S.C., Title 21, Section 174" designated both in the title to the indictment and the title of Count I, it is difficult to see how appellant was not properly advised of the charges against him. It should also be pointed out that the specific point here was not raised by appellant prior to nor during the trial. In fact, it was not raised at all until now, not even in the Statement of Points Intended To Be Relied Upon On Appeal filed with this Court.

Appellant also contends that Count II is defective since "appellant is merely charged with unlawfully importing marihuana into the United States contrary to law. A violation of Title 21, U.S.C., Section 176-a is not specifically charged therein." (Appellant's brief, p. 28). Again it must be pointed out that "U.S.C., Title 21, Sec. 176a" appears both in the title to the indictment and the title to Count II as the specific charge.

Finally, in answering appellant's Specification IV, it should be noted that Rule 7(c) Federal Rules of Criminal Procedure, has eliminated both the technical niceties and the common law application to indictments. The leading case on questions involving sufficiency of the indictment is Hagner v. United States, 285 U.S. 427 (1931). In that case, the Court at page 431 stated, "The rigor of old common law rules of criminal pleading has yielded, in modern practice, to the general principle that formal defects not prejudicial, will be disregarded."

How the appellant could have been prejudiced by technicalities raised as an afterthought is difficult to see.

Coincidentally with his variance argument appellant has challenged the trial court's instructions giving the statutory presumptions contained in Title 21, Sections 176(a) and 174 of the United States Code. In Klepper v. United States, 331 F.2d 694 (9th Cir. 1964) the statutory presumption of Section 176(a) was included in the trial court instructions and this court found no error. Similarly, in regard to Section 174, in United States v. Armone, 363 F.2d 385 (2nd Cir. 1966) the trial court's giving of the statutory presumption in its charge to the jury was upheld. Certiorari in that case was denied, Armone et al v. United States, 385 U. S. 957 (1967).

Since appellant cites no cases in this regard, further comment here seems unnecessary.

E. THE STATUTORY PRESUMPTIONS CONTAINED IN TITLE 21, UNITED STATES CODE, SECTIONS 174 and 176(a) ARE CONSTITUTIONAL.

Appellant admits that the present law is that the presumptions here referred to are constitutional (Appellant's Brief, p. 28), but urges this Court to change the law by merely referring to Griffin v. California, 380 U. S. 609 (1965); Mallory v. Hogan, 378 U. S. 1 (1963); and Miranda v. Arizona, 384 U. S. 436 (1965), without comment.

It should be pointed out that the presumption involved here was held constitutional over forty years ago in _Yee Hem_ v. _United States_, 268 U. S. 178 (1925), and has been consistently so held ever since.

Agobian v. _United States_, 323 F.2d 643 (9th Cir. 1963);

Brown v. _United States_, 370 F.2d 874 (9th Cir. 1966);

Juvera v. _United States_, 378 F.2d 433 (9th Cir. 1967).

It is interesting to note that _Brown_ and _Juvera_ were decided by this Court after the three cases appellant cites as a basis for changing the law. In fact, the _Brown_ case even refers to _Griffin_ but still holds the presumption constitutional and not violative of a defendant's Fifth Amendment right against self-incrimination. It further held that the giving of an instruction thereon did not constitute comment on a defendant's failure to testify when the instruction was amplified in a similar manner to that done in this case (see R.T. 145-146) in the case at bar and the footnote 1, page 875, of the _Brown_ case.

VI.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the judgment of the Court below should be affirmed.

Respectfully submitted,

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MOBLEY M. MILAM,
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Attorneys for Appellee,
United States of America.

CERTIFICATE

I certify that in connection with the preparation of this brief, I have examined Rules 18, 19 and 39 of the United States Court of Appeals for the Ninth Circuit, and that, in my opinion, the foregoing brief is in full compliance with those rules.

MOBLEY M. MILAM